

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**EDWARD BUTOWSKY,**

**Plaintiff,**

**v.**

**MICHAEL GOTTLIEB, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 4:19-cv-0180-ALM-KPJ**

**MOTION FOR DISMISSAL WITH PREJUDICE**

Pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Edward Butowsky and Defendants The New York Times Company (“The New York Times”), Alan Feuer, Vox Media, Inc. (“Vox Media”), Jane Coaston, Turner Broadcasting System, Inc. (“CNN”)<sup>1</sup> and Anderson Cooper, Gary Tuchman, Kayvon Oliver Darcy, and Tom Kludt (collectively, “Media Defendants”), jointly move the Court for an order of dismissal with prejudice as to all Media Defendants, and state as follows:

On September 28, 2020, U.S. District Judge Amos L. Mazzant entered orders adopting the magistrate’s report and recommendation and dismissing without prejudice Defendants Cooper, Tuchman, Darcy, Kludt, Feuer, Coaston, and Vox Media for lack of personal jurisdiction. Plaintiff now wishes to dismiss those defendants with prejudice. In addition, Plaintiff wishes to dismiss The Times and CNN with prejudice. Plaintiff and the Media Defendants have agreed that each party shall bear its own costs and fees in this action.

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<sup>1</sup> Cable News Network, Inc., a subsidiary of Turner Broadcasting System, Inc., is the entity that published the statements of which Plaintiff complains. For ease of reference, the corporate defendant is referred to herein as CNN and the individual Defendants as the “CNN Individual Defendants”—collectively, the “CNN Defendants.”

Dated: October 19, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 19th day of October 2020, a true and correct copy of the foregoing document was forwarded via e-filing on all counsel of record.

/s/ Marc A. Fuller  
Marc A. Fuller